

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

ROBERT JOSEPH GRILLS, JR.,

Plaintiff,

-against-

PHILIP MORRIS USA, Inc., et al.,

Defendants.

Before: Pogue, Judge

Civil Action No.
2:08-CV-15-UA-DNF

Dated: August 4, 2009

JUDGMENT

This action having been duly submitted for decision, and this court, after due deliberation having rendered a decision herein; now, in conformity with that decision, it is hereby

ORDERED that Plaintiff's Second Amended Complaint, pursuant to Fed. R. Civ. P. 12(h)(3), is DISMISSED without prejudice, for failure to comply with Fed. R. Civ. P. 8(a); and it is further

ORDERED that Plaintiff is GRANTED one last opportunity to amend and address the above-mentioned deficiencies in Plaintiff's Second Amended Complaint. If Plaintiff's complaint is not so amended within seventy-five (75) calendar days of this order, i.e., by October 19, 2009, this dismissal shall be with prejudice.



Donald C. Pogue, Judge¹

Dated: August 4, 2007
New York, New York

¹Judge Donald C. Pogue of the United States Court of International Trade, sitting by designation.